

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNITED STATES OF AMERICA, : DOCKET NO. 3:19CR00033
PLAINTIFF, :
VERSUS : June 3, 2020
: :
CHRISTOPHER JOE STAMPER, :
DEFENDANT. : Monroe, Louisiana

REPORTER'S OFFICIAL TRANSCRIPT OF SENTENCING HEARING
BEFORE THE HONORABLE TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF: MS. JESSICA CASSIDY
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FOR THE DEFENDANT: MR. WALTER M. CALDWELL, IV
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25 Proceedings recorded by mechanical stenography, transcript produced by computer-aided transcription.

1 P-R-O-C-E-E-D-I-N-G-S

2 THE COURT: We're ready to proceed. Okay. All
3 right. This is *United States of America versus Christopher Joe*
4 *Stamper*. This is case number 3:19-33-01. This matter is set for
5 -- by the Court for sentencing today.

6 If we would note the appearance in the record of each
7 person that's participating in video conference starting with the
8 government.

9 MS. CASSIDY: Yes, Your Honor. Jessica Cassidy
10 on behalf of the government. And present with the government is
11 Palmer Allen, special agent with the FBI.

12 THE COURT: Okay.

13 MR. CALDWELL: Your Honor, Walter M. Caldwell,
14 IV, on behalf of the defendant Christopher Stamper.

15 THE COURT: All right. And I note also that
16 the probation officer in this matter is Mr. Mark Miller, and he's
17 present.

18 PROBATION OFFICER: Yes, Your Honor.

19 THE COURT: And probation officer Jay Garner is
20 present and Mr. Casey Stevens is present also. Okay. The --

21 MS. CASSIDY: Your Honor.

22 THE COURT: Yes.

23 MS. CASSIDY: Your Honor, before we begin, I
24 did want to just note for the record that Special Agent Allen did
25 speak with the victim's family last night and made them aware of

1 the sentencing hearing and their right to participate and that
2 they could do so via Zoom. They are aware, but they declined to
3 participate.

4 THE COURT: Okay. Thank you, Ms. Cassidy.

5 All right. If anyone -- hopefully everyone can hear me.
6 If you can hear me, raise your hand, please. All right. Okay.

7 All right. Ms. Campbell, is the government ready to
8 proceed?

9 MS. CASSIDY: Yes, Your Honor.

10 THE COURT: Why did I call you Ms. Campbell?
11 Ms. Cassidy. I'm sorry.

12 Okay. And, Mr. Caldwell, is Mr. Stamper ready to proceed?

13 MR. CALDWELL: Yes, Your Honor, we are prepared
14 to proceed -- proceed in this matter.

15 THE COURT: All right. Let me know if you have
16 -- something happens and you have trouble hearing me. And,
17 Mr. Stamper, if you need to consult with Mr. Caldwell, please stop
18 me immediately and we'll take a break to allow you to talk with
19 him privately.

20 MS. CASSIDY: Your Honor, I believe we may have
21 lost Mr. Stamper's family member from the call.

22 THE COURT: No.

23 MS. CASSIDY: No?

24 THE COURT: No, I think they're on.

25 MS. CASSIDY: Okay. I apologize. I just

1 couldn't see them on my screen. So I apologize, Your Honor.

2 THE COURT: Okay. That's good.

3 All right. Mr. Stamper, can you hear me?

4 THE DEFENDANT: Yes, sir. I have one question.

5 THE COURT: Okay. Go ahead.

6 THE DEFENDANT: Is there any way that you can
7 recommend that I go to Lexington Medical Center?

8 MR. CALDWELL: Your Honor, I'm going to address
9 that in our comments on the objections to the PSIR.

10 THE COURT: Okay. Your attorney is going to
11 address that. We'll wait till we do the sentencing. He's going
12 to address that for you. Okay?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. One thing I need
15 -- I'll go through the consent to the video conference first. I
16 want to talk about why we're holding this sentencing by video
17 teleconference.

18 At this time, as everybody knows, the Word Health
19 Organization and the Centers For Disease Control and Prevention
20 have declared a global pandemic related to the spread of the
21 COVID-19 virus known as the Coronavirus.

22 In light of this pandemic, the President of the United
23 States has declared a national emergency, and the Louisiana
24 governor has declared a statewide public health emergency.

25 The CDC and all health authorities have recommended social

1 distancing as a means of limiting community spread of the virus.
2 While Louisiana has lifted its stay-at-home order and moved into
3 Phase 1 reopening, it is still recommended that people stay at
4 home as much as possible and keep social distancing.

5 A gathering of all of us in the courtroom would risk the
6 health and safety of the those who participate and defeat the call
7 for social distancing. Ordinarily a defendant must be present at
8 his sentencing pursuant to Federal Rule of Criminal Procedure
9 Article 43.

10 However, the Coronavirus Aid, Relief and Economic Security
11 Act, better known as the CARES Act, authorize certain criminal
12 proceedings to be conducted by video conference and teleconference
13 under certain circumstances and with the consent of the defendant
14 after consultation with counsel.

15 Both the Judicial Conference of the United States and the
16 Chief Judge of the Western District of Louisiana have issued
17 findings that felony guilty pleas and felony sentencing cannot be
18 conducted in person without seriously jeopardizing public health
19 and safety.

20 I'm conducting this proceeding pursuant to the authority
21 provided by the CARES Act and the standing orders issued for this
22 court pursuant to that Act. I find the sentencing in this
23 particular case cannot be further delayed without serious harm to
24 the interest of justice.

25 The defendant entered his plea on December the 3rd of 2019.

1 The interest of justice dictate that the sentencing proceed by
2 video conference with the consent and permission of the defendant
3 Christopher Joe Stamper.

4 Is that correct, Mr. Stamper?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. And did you talk to
7 Mr. Caldwell about your decision to be present in the courtroom by
8 video conference instead of directly in the courtroom?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And did you sign the waiver of your
11 right to be present in the courtroom today?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Okay.

14 MR. CALDWELL: For the record, Your Honor, I
15 have filed that waiver into the record this morning.

16 THE COURT: Okay. Thank you.

17 Does the government consent to this sentencing being held
18 by video conference?

19 MS. CASSIDY: Yes, Your Honor.

20 THE COURT: And, Mr. Caldwell, I assume the
21 defense also consents.

22 MR. CALDWELL: We consent, Your Honor.

23 THE COURT: I find this hearing is being
24 conducted with the defendant's consent after appropriate
25 consultation with defense counsel and with the consent of the U.S.

1 Attorney's Office. A court reporter is participating remotely and
2 will transcribe these proceedings.

3 As always, this is a public proceeding open to the public.
4 The public is welcome to participate in the proceeding by video
5 conference. All those who are granted access to this proceeding
6 are reminded of the general prohibition against photographing,
7 recording and rebroadcast of court proceedings. Violations of
8 these prohibitions will result in sanctions, including removal of
9 the court-issued media credentials, restricted entry to future
10 hearings, denial of entry to future hearings, and any other
11 sanctions deemed necessary by the Court.

12 All right. Are the defendant and defense counsel ready to
13 proceed in this matter?

14 MR. CALDWELL: We are, Your Honor.

15 THE COURT: Ms. Cassidy, are you able to start
16 and ready to proceed?

17 MS. CASSIDY: Yes, Your Honor.

18 THE COURT: Okay. And I assume the -- has the
19 defendant and the defense counsel received a copy of the
20 presentence report?

21 MR. CALDWELL: We have, Your Honor, reviewed it
22 with the defendant; and we have filed our objections in the
23 record.

24 THE COURT: Okay. And, Ms. Cassidy, has the
25 government received that report?

1 MS. CASSIDY: Yes, Your Honor.

2 THE COURT: And I understand the defendant has
3 seven objections. And prior to taking up those objections, one
4 thing I need to address is that there is pending -- Mr. Caldwell,
5 did you and Mr. Stamper discuss -- I know Mr. Stamper at one point
6 had filed -- had filed a motion, that's Number 71, I believe, a
7 motion to dismiss Mr. Caldwell.

8 My understanding, Mr. Stamper, is you no longer wish to
9 proceed on that. Is that correct at this time?

10 THE DEFENDANT: Yes, sir. Yes, sir, at this
11 time.

12 THE COURT: Okay. You wish to -- you wish to
13 have Mr. -- Mr. Caldwell proceed as your attorney. Correct?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. So what I'm going to do is
16 dismiss that, which I believe to be Number 71, Docket Number 71,
17 which is the motion filed by Mr. Stamper to dismiss counsel. So
18 that will be dismissed at this time.

19 All right. As to the seven objections to the presentence
20 report, I know that, Mr. Caldwell, you had filed a lengthy
21 discussion and presentence report -- I mean, a memorandum in
22 regard to these objections. And Ms. Cassidy has also filed some
23 documents related to that.

24 Did you wish to argue those objections or -- I know we
25 discussed them yesterday.

1 MR. CALDWELL: I'm sorry, Your Honor. Your
2 Honor, yes, I would argue that, you know, we rest on our pleadings
3 as far as the objections go. And we also rest on our pleadings as
4 far as our motion for variance and for a sentencing departure in
5 this particular matter, Your Honor.

6 And the only thing that I would say now is that there are
7 two cases cited within our brief that show that defendants that
8 received approximately the same guideline range as proposed for
9 this defendant who committed much more egregious crimes than
10 Mr. Stamper has and he is looking at the same range.

11 I would say to the Court that those are cases that are
12 similarly situated to the defendant except that they are even more
13 egregious, and that this defendant is being -- would be receiving
14 too great of a sentence if he received up to the statutory maximum
15 in this particular matter. But as they were sentenced 240 months
16 in each of those cases, and they actually engaged in molestation
17 of juveniles in those two cases, so we argue that.

18 In regards to our objections, staying on our objections
19 with the use, we argue that the use of the cross reference is
20 inappropriate in regards to production which --

23 MR. CALDWELL: I'm not sure, but I'll start
24 over.

25 In regards to our objections about the use of the cross

1 reference 2G2 in this particular matter, we do not think it's
2 appropriate because the classic example productions are outlined
3 in the two cases where those individuals received a 240 month
4 sentence. I think those are the classic example use for cross
5 reference here that moves this defendant away from a guideline
6 range of approximately 70 to 87 months up to 240 months -- over
7 and in excess of 240 months is inappropriate. And we briefed that
8 in our objections. We briefed that in our sentencing memorandum.

9 Likewise, Your Honor, we had also this defendant and we
10 have provided the case -- the Court with the Longoria case, and it
11 cites in regards to the defendant's acceptance of responsibility
12 and receiving points for that acceptance of responsibility. And
13 we believe that the Longoria case clearly is in the defendant's
14 favor, and he should receive all three points for acceptance of
15 responsibility for his plea in this matter, and his offense level
16 should be adjusted for that reason.

17 Likewise, Your Honor, in regards to the defendant's
18 medicals I provided to the Court and U.S. Attorney's office
19 yesterday a request that the paragraphs 55 and 56 of the PSIR be
20 amended to include references to the evaluations that were done on
21 the defendant, one done by BOP and one by a private group that the
22 defendant obtained for his representation, both of which contained
23 medical information. The page numbers were referenced in the
24 information that I provided showing his medical information.

25 We are asking that that be -- that those two documents be

1 appended under seal with the PSIR under seal so that BOP will have
2 that information to evaluate the defendant as far as placement at
3 a medical facility.

4 I understand that the Court cannot order the defendant to a
5 particular medical facility, but the Court can certainly make a
6 recommendation. The defendant has researched the issue and feels
7 that there's a facility in Lexington, Kentucky that is appropriate
8 for his medical condition. And so we would ask the Court to make
9 that recommendation along with that particular objection.

10 THE COURT: Okay. Ms. Cassidy, would you like
11 to respond to any of the objections?

12 MS. CASSIDY: Yes, Your Honor. First, the
13 government does not object to attaching under seal the requested
14 documents by Mr. Caldwell. Next, I would like to point out that
15 the defendant committed this offense while on bond for a prior
16 child pornography offense. I think that's noteworthy and
17 significant to the Court in issuing and fashioning a sentence
18 appropriate to him that even the threat of another criminal case
19 and possible period of imprisonment did not stop this conduct.

20 With regard to the cross reference, the government's laid
21 it out in its sentencing memorandum that this cross reference is
22 to be construed broadly and includes all instances where the
23 offense involves persuading, inducing and coercing a minor to
24 engage in sexually explicit conduct for the purpose of producing
25 any visual depiction of such conduct.

1 And in the opening of the government's sentencing
2 memorandum, the government gave the Court a glimpse of the many
3 times that the defendant coerced, persuaded, induced an
4 11-year-old to send him photos of herself in various stages of
5 undress.

6 I have Special Agent Palmer here who is prepared to testify
7 to the records from Mr. Stamper's communications with the victim
8 that we would ultimately introduce into evidence and ask that they
9 be filed under sealed.

10 And, lastly, Your Honor, before putting on Special Agent
11 Palmer, I just would like to call the Court's attention to the
12 case that I submitted to the Court and defense counsel yesterday,
13 *United States versus Flores* regarding acceptance of responsibility
14 points, and the Court's discretion to not award those, and the
15 factual similarities of *Flores*; and then the more egregious
16 conduct in this case that may warrant the Court to take away those
17 points.

18 THE COURT: Okay. Would you like to put on
19 Mr. Palmer at this time, Ms. Cassidy?

20 MS. CASSIDY: Yes, Your Honor. The government
21 would call Special Agent Palmer.

22 THE COURT: Okay. Special Agent Palmer, if you
23 would raise your right hand and be sworn, please.

24 COURT CLERK: Can you hear me?

25 AGENT PALMER: I can hear you.

1 SPECIAL AGENT PALMER ALLEN, witness for the government, SWORN.

2 THE COURT: Okay. Go ahead and proceed.

3 DIRECT EXAMINATION

4 | BY MS. CASSIDY:

5 Q. Special agent, go ahead and state your name for the record.

6 A. First name Palmer, P-A-L-M-E-R, last name Allen, A-L-L-E-N.

7 Q. And you are employed with the FBI?

8 A. That's correct.

9 Q. How long have you been with the FBI?

10 A. A little over 12 years.

11 Q. And do some of your duties and obligations involve
12 investigating child pornography and child exploitation crimes?

13 A. They do.

14 Q. As part of your duties, did you investigate this defendant,
15 Christopher Stamper, for improper communications with an
16 11-year-old girl from Washington?

17 A. I did.

18 Q. And based upon your investigation, how did the defendant
19 meet the 11-year-old girl initially?

20 A. They initially met on a game -- a gaming platform called
21 Avakin Life.

22 Q. And did they ultimately begin communicating outside of
23 Avakin Life?

24 A. They did.

25 Q. And was that through the application TextNow?

1 A. It was.

2 Q. And as part of the investigation, did law enforcement issue
3 a search warrant to TextNow for Mr. Stamper's records?

4 A. Yes.

5 Q. Did you review those records?

6 A. I did.

7 Q. Were you able to identify the communications between the
8 defendant and the 11-year-old girl from those records?

9 A. Yes, I was.

10 Q. And during those -- Oh. Excuse me. Can you just briefly
11 describe the nature of the communications.

12 A. Yes. They were, you know, just normal chatting back and
13 forth in portions of it. And then it was also highly sexually
14 charged in others.

15 Q. And during the communications, did the 11-year-old girl
16 send nude photos of herself to the defendant?

17 A. She did.

18 Q. And did she send nude photos of herself at the request of
19 the defendant?

20 A. She did.

21 Q. And I've previously provided to you, the Court, and defense
22 counsel what was marked as Government Exhibit 1. Have you had an
23 opportunity to review those documents?

24 A. I have.

25 Q. And do these documents contain the portion of the texts in

1 our records of the communications between the defendant and the
2 11-year-old?

3 A. They do.

4 MS. CASSIDY: Okay. Your Honor, at this time,
5 the government would move to admit under seal Government Exhibit
6 1.

7 THE COURT: Any objection, Mr. Caldwell?

8 MR. CALDWELL: Your Honor, I would object
9 insofar as the numbers are redacted, particularly since this is
10 being placed under seal, the numbers not being redacted would be
11 beneficial and I can address that through cross-examination of
12 Mr. Palmer.

13 THE COURT: Okay. All right. Let that
14 -- Okay. I'll wait. I will -- Okay. I'll go ahead and allow it
15 to be filed at this time subject to your cross-examination. Okay?

16 MR. CALDWELL: Okay. Thank you, Your Honor.

17 THE COURT: Anything else, Ms. Cassidy?

18 MS. CASSIDY: No, Your Honor.

19 THE COURT: Mr. Caldwell, any
20 cross-examination?

21 MR. CALDWELL: Yes, Your Honor, I would like to
22 cross-examine Agent Palmer.

23 CROSS-EXAMINATION

24 BY MR. CALDWELL:

25 Q. Agent Palmer, in regards to Government Exhibit 1, during my

1 representation of Mr. Stamper, did I come to your office and
2 review a document that was similar to Government Exhibit 1 except
3 the telephone numbers were unredacted?

4 A. Yes.

5 Q. And when we look at the unredacted numbers, does it show
6 that the defendant (indiscernible) any other people --

7 COURT REPORTER: I'm sorry, Walt. Walt, back
8 up, please. There's some kind of interference on you.

9 MR. CALDWELL: Okay. I'll slow down.

10 Q. Mr. Palmer, through your investigation and looking at the
11 redacted numbers on the Government Exhibit 1, are there not some
12 conversations in that TextNow document that clearly illustrate
13 that they are -- they are actually the conversations with persons
14 other than with the minor?

15 A. Again, you're breaking up a little bit.

16 Q. I'm sorry.

17 A. That's okay. I think I get the gist of what you're asking.
18 Yes, the defendant did talk to other people via this text ap as
19 well.

20 Q. Okay. So wouldn't it be a more complete record if we had
21 the unredacted numbers in the -- in the record?

22 A. I -- as far as completeness, I guess that is accurate, as
23 far as my understanding is Ms. Cassidy was introducing a portion
24 of these records, not the entirety of them.

25 MR. CALDWELL: That's all my questions, Your

1 Honor.

2 THE COURT: Okay. Any redirect, Ms. Cassidy?

3 MS. CASSIDY: Yes, Your Honor, just to clarify
4 and follow up on defense counsel's questioning.

5 DIRECT EXAMINATION

6 BY MS. CASSIDY:

7 Q. Special Agent Palmer, in reviewing these records, do these
8 represent specifically the communications between the defendant
9 and the 11-year-old girl?

10 A. They do.

11 Q. And so the other communications with numbers identified to
12 other individuals, those have been redacted from these records?

13 A. That's correct.

14 MS. CASSIDY: Nothing further, Your Honor.

15 THE COURT: Okay.

16 MS. CASSIDY: And the government would move
17 again to introduce this under seal.

18 MR. CALDWELL: We reiterate our objection, Your
19 Honor.

20 THE COURT: What did you say, note your
21 objection?

22 MR. CALDWELL: I would reiterate my objection,
23 Your Honor.

24 THE COURT: Okay. I'm going to order they be
25 filed under seal as they are.

1 Okay. Anything else, Ms. Cassidy?

2 MS. CASSIDY: No, Your Honor. Thank you.

3 THE COURT: Okay. All right. I'll file in the
4 record a -- my written ruling to these seven objections. But just
5 to summarize, I'm going to deny all of the objections except for
6 Objection 4. And I did read the case -- cases that both attorneys
7 sent. And I think they're -- you know, I'm not going to say this
8 as a future rule that I'm going to do, because Mr. Stamper did not
9 meet with probation. And I think I want to reserve, if somebody
10 does that, to take away those points.

11 But in this specific case, under the specific facts of this
12 case, I'm going to grant the Objection Number 4, which deny the
13 two point reduction because he did plead guilty and he did admit
14 at that time that he -- that he did that. He saved the government
15 time for trying the case and all that. I do realize he filed some
16 other things after that.

17 But under the specific facts of this case, I'm going to
18 grant that, and give him back his two points. You know, that --
19 and I'll deny all the other objections and I'll file in the record
20 written rulings.

21 Now, Ms. Cassidy, with regard to the initial one point,
22 what were you going to do with regard to that?

23 MS. CASSIDY: Your Honor, the government
24 awarded that point, or moved for that point subject to the plea
25 agreement and we'll maintain that.

1 THE COURT: Okay. So that results in minus
2 three points off the 40, which would result in 37. So we'll go
3 through that in a minute.

4 And, as I indicated, I'll file these written objections
5 -- I mean, I'll file my ruling into the record.

6 MR. CALDWELL: Your Honor, just for the record,
7 please take note of our objection to your rulings in this matter
8 regarding the other six objections that Your Honor has denied.

9 THE COURT: Let those objections be noted.

10 Does defense counsel have anything they'd like to say in
11 mitigation of punishment at this time?

12 MR. CALDWELL: No, Your Honor. We did file our
13 briefs in this matter, and we think they cover adequately the
14 issues before the Court.

15 THE COURT: Okay. And let me say one other
16 thing, did -- and also to those factual statements contained in
17 the presentence report to which there is no objection, I adopt
18 these statements as findings of fact.

19 As to any controverted factual statements in the
20 presentence report, I resolved the dispute as previously stated.

21 THE COURT: Okay. And does -- Mr. Stamper, do
22 you wish to say anything yourself? You have the right to. I'll
23 listen to you if you want to say anything. If you do not, that's
24 fine too, whatever you'd like to do. Would you like to say
25 anything or offer anything in mitigation of punishment before

1 sentence is imposed in this case?

2 THE DEFENDANT: Yes, sir. I ask for, please,
3 for a lesser sentence so I can get back home to my wife and my
4 kids. They're split apart and they need me home.

5 THE COURT: Okay. All right. Anything else?

6 THE DEFENDANT: No, sir.

7 THE COURT: Okay. All right. Ms. Cassidy,
8 does the government have anything they'd like to say?

9 MS. CASSIDY: No, Your Honor.

10 THE COURT: Okay. All right. This Court has
11 considered the United States Sentencing Commission Guidelines, and
12 I find the guideline applications are as follows: With the
13 amendment, the offense level is 37. The criminal history category
14 is I. The guideline range would be 210 months to 262 months, but
15 note there's a 240 month maximum with regard to the statutory
16 maximum sentence. Probation is not authorized, five years to life
17 of supervised release. Restitution is not applicable in this
18 case. And the fine amount would be 40,000 to \$250,000, be a \$100
19 special assessment.

20 The reasons for these guideline determinations are set
21 forth in the presentence report. Having reviewed and considered
22 the guidelines, the factors listed in 18 U.S.C., Section 3553(a)
23 and the appropriate policy concerns, I shall now state my reasons
24 for imposing sentence.

25 In this case, I find that the guideline range, after

1 amendment to the presentence report, reasonably addresses the real
2 conduct of the defendant that underlies -- underlies his crime,
3 achieves the goals of Section 3553(a) and provides an appropriate
4 sentence.

5 So with that, that means that the request for a variance
6 that was filed is denied. I will file written reasons into the
7 record regarding that.

8 MR. CALDWELL: Please note our objection, Your
9 Honor.

10 THE COURT: Okay. Let that objection be noted.

11 It's the judgment of the Court that the defendant
12 Christopher Joe Stamper is hereby committed to the custody of the
13 Bureau of Prisons for a term of 240 months of imprisonment on
14 Count 1 of the superseding indictment.

15 This sentence was selected after considering the factors
16 contained in 18 U.S.C., Section 3553(a) concerning defendant's
17 criminal history, personal characteristics and involvement in the
18 instant offense.

19 Upon release from imprisonment, defendant shall be placed
20 on supervised release for a period of ten years. Within 72 hours
21 of his release from custody, the defendant shall report to the
22 U.S. Probation Office in the district to which he is released.

23 While on supervised release, the defendant shall not commit
24 another federal, state or local crime; shall not possess a firearm
25 or other dangerous weapon and shall comply with the standard

1 conditions of supervision adopted by this Court.

2 The defendant shall cooperate in the collection of DNA as
3 directed by the U.S. Probation Office. The defendant shall pay a
4 \$100 special assessment to the Crime Victim Fund immediately.
5 Based on the defendant's financial condition, the Court finds the
6 defendant does not have the ability to pay a fine, and therefore,
7 a fine will not be ordered in this case.

8 The defendant shall comply with the requirements of the Sex
9 Offender Registration and Notification Act. That's 34 U.S.C.,
10 Section 20911 et. seq. as directed by the probation officer, the
11 Bureau of Prisons or any state sex offender registration agency in
12 which he resides, works as a student or is convicted of a
13 qualifying offense.

14 The presentence report and other reliable sentencing
15 information indicates a low risk of substance abuse by the
16 defendant; therefore, the mandatory drug testing condition is
17 suspended.

18 The defendant shall abide by the following special
19 conditions of supervised release:

20 The defendant shall participate in a mental health
21 counseling and/or individual or group counseling at a facility
22 approved by the courts or the probation officer.

23 The defendant shall submit to a screening and/or assessment
24 to indicate the type of treatment needed.

25 The defendant shall comply with the rules and regulations

1 of the treatment agency and allow the probation officer, in
2 consultation with the agency, to adjust the modality, duration and
3 intensity of treatment as needed.

4 The defendant must participate in a sex offense specific
5 treatment program and follow the rules and regulations of that
6 program. The probation officer will supervise the defendant's
7 participation in the program. The defendant must pay the cost of
8 the program based on his then current income.

9 The defendant shall not associate with anyone under any
10 circumstances that he knows to be a sex offender, someone who
11 engages in sexual activity with children under 18 years of age or
12 someone who condones and/or supports the sexual abuse exploitation
13 of children under 18 years of age:

14 NAMBLA, BoyChat BoyLover Message Board, those are examples,
15 except while participating in sex offender mental health treatment
16 as approved by the probation officer or except for employment
17 purposes as approved by the probation officer.

18 The defendant shall not possess any photographs, paintings,
19 recorded material or electronically produced material that he or
20 she may use for the purpose of arousal of sexual interest in
21 children, nor shall he visit, frequent or remain about any place
22 where such material is available to him for the purpose of arousal
23 of sexual interest in children.

24 The defendant shall submit to polygraph testing at his own
25 expense, as directed by the probation officer, in order to

1 determine if he is in compliance with the conditions of
2 supervision or to facilitate sex offender treatment. Defendant
3 shall be truthful during the polygraph evaluation.

4 All residence and employment shall be approved in advance
5 by the probation officer. Defendant shall not participate in any
6 voluntary activities requiring unsupervised contact with children
7 under the age of 18 without the approval of the probation officer.

8 The defendant shall not possess or use a computer or any
9 other electronic device with access to the Internet or any other
10 online computer service at any location, including employment,
11 without the approval of the probation officer.

12 If allowed, the defendant must have attached monitoring
13 software approved by the probation officer at his cost. The
14 defendant shall not possess or use any data encryption technique
15 or program designed to conceal material that is illegal or
16 prohibited by the probation officer.

17 Does the government want to dismiss the remaining counts of
18 the superseding indictment, Ms. Cassidy?

19 MS. CASSIDY: Yes, Your Honor. The government
20 would move to dismiss all remaining counts.

21 THE COURT: Any objection, Mr. Caldwell?

22 MR. CALDWELL: No objection, Your Honor, by
23 Mr. Stamper.

24 THE COURT: All right. Let those counts be
25 dismissed. Do you have the specific counts before you, Ms.

1 Cassidy?

2 MS. CASSIDY: Yes, Your Honor. I want to make
3 sure I'm citing the correct ones since there has been a
4 superseding.

5 COURT CLERK: Counts 2, 3 and 4 of the
6 superseding indictment.

7 MS. CASSIDY: There you go, Your Honor, Counts
8 2, 3 and 4. Thank you, madam clerk.

9 THE COURT: All right. Let those be dismissed.

10 THE DEFENDANT: Excuse me, Your Honor, I have a
11 question.

12 THE COURT: Okay.

13 THE DEFENDANT: Are they saying I can't be
14 around my children?

15 THE COURT: Around your children?

16 THE DEFENDANT: Yes.

17 THE COURT: I don't think that's what that's
18 saying. I don't know. Okay. Let me finish this and then I'll
19 get your question. I'm almost done, then we'll direct to that in
20 just a minute because I don't know what the custody situation is
21 or anything like that or the age even. So let me finish and then
22 we'll address that.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: At this time, I wish to advise you
25 you have the right to appeal your sentence and conviction. If

1 you're unable to afford the services of an attorney, counsel will
2 be appointed to you. Also if you cannot afford it, a transcript
3 of the record in this case will be prepared for appeal at the
4 government's expense.

5 And, also, in accordance with the Rules of Appellate
6 Procedure, you normally have 14 days from the date the judgment in
7 this case is entered to file your Notice of Appeal.

8 Do you understand that, Mr. Stamper?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right. And if you do appeal,
11 the presentence report will be placed in the record of this
12 proceeding under seal.

13 Okay. And, all right, go ahead and ask the question. I
14 don't know if I can answer it right now because I don't know the
15 situation, but the probation officers may be able to discuss it.

16 You had asked, Mr. Stamper, if that prohibits you on
17 supervised release from being around your own children. Is that
18 what you asked me?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay. How many children -- what
21 are your ages of the children?

22 THE DEFENDANT: I have two sons. One of them
23 is three; one of them just turned one.

24 THE COURT: Okay. And is there any kind of
25 custody arrangement with that?

1 THE DEFENDANT: I've got one son that's up in
2 Kentucky with my mother and my father. And then I have another
3 child that's down here with my biological mom.

4 THE COURT: Okay. And I don't know the
5 situation. So maybe that can be addressed by probation or
6 Mr. Caldwell or by Ms. Cassidy.

7 PROBATION OFFICER: Your Honor, can I speak?

8 THE COURT: Sure.

9 PROBATION OFFICER: Your Honor, what we have
10 done is by the approval of the probation officer. So normally --
11 because I've had several clients that are on supervision that have
12 children from a previous relationship. And we just do it by a
13 case-by-case basis.

14 Basically, you know, whenever Mr. Stamper is released, it
15 would just be at the approval of the probation officer.

16 THE COURT: Okay. Do you understand that?

17 THE DEFENDANT: Yes, sir. And I have one more
18 question.

19 THE COURT: Okay.

20 THE DEFENDANT: Are my state charges being
21 dropped?

22 THE COURT: Don't know the answer.

23 || MR. CALDWELL: You know, I --

24 THE COURT: Mr. Caldwell.

25 MR. CALDWELL: Your Honor, he -- obviously the

1 U.S. Attorney has no influence over that. This Court cannot order
2 those dismissed. I will certainly speak to the -- and provide a
3 copy of this Court's judgment to the district attorney's office
4 for the Fourth Judicial District.

5 It is my experience that the Fourth Judicial District
6 usually does not pursue criminal charges particularly with a
7 sentence as long as this. They typically would rather the federal
8 government pay for Mr. Stamper's incarceration than for the State
9 of Louisiana to pay for Mr. Stamper's incarceration.

10 THE COURT: Okay. Do you understand that,
11 Mr. Stamper? Mr. Caldwell is going to talk to -- talk to them.
12 We can't tell you anything with regard to that at this time. We
13 don't know. Okay?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. Anything else?

16 (Discussion held off record)

17 THE COURT: Okay. Thank you. I do grant
18 Mr. Caldwell's request to attach -- was an unopposed request to
19 attach the two exhibits to the -- to the presentence -- to the
20 presentence under seal. And that was the medical information.
21 All right. At this time, the defendant is hereby remanded to the
22 custody of the U.S. Marshal to begin his term of imprisonment with
23 the Federal Bureau of Prisons.

24 Thank you.

25 MR. CALDWELL: Your Honor, would you make a

1 recommendation that the defendant go to the Lexington, Kentucky
2 facility or an appropriate medical facility.

3 THE COURT: I don't know anything about that
4 facility. Can you tell me any more information about that? Is
5 that a regular facility? Is it just a medical facility? I don't
6 know the situation.

7 MR. CALDWELL: I don't know much about the
8 Lexington facility. Usually on the east coast everyone goes to
9 Buntner that has some type of medical. If the Court would just --

10 COURT REPORTER: I'm sorry. Goes to what?

11 MR. CALDWELL: Goes to Buntner in North
12 Carolina.

13 COURT REPORTER: Buntner?

14 MR. CALDWELL: Yeah.

15 MR. CALDWELL: But that's my experience. But
16 on the other hand, if the Court would just recommend that he go to
17 an appropriate medical facility based on his medical background,
18 that would probably be sufficient, Your Honor.

19 THE COURT: Well, Ms. Cassidy, you want to say
20 anything?

21 MS. CASSIDY: Your Honor, only that I believe
22 BOP will be in the best position to make that determination.

23 THE COURT: That's exactly what I was going to
24 say is I don't normally mind, you know, requesting a facility, you
25 know, localized, closer to home, that kind of thing. But with

1 this situation, I don't know what BOP would do. I certainly don't
2 have any objection to it if BOP makes that determination. But I
3 don't want to go on the record and make a recommendation for that
4 facility because I don't know that that's an appropriate facility
5 for the crime charged or the medical information that he has.

6 MR. CALDWELL: Well, we're just asking for a
7 recommend -- at this point understanding the Court's trepidation,
8 and a recommendation that he be placed in the appropriate medical
9 facility.

10 THE COURT: Well, the word -- I don't mind
11 recommending he be placed in the appropriate facility. I don't
12 know that a medical facility is the one that BOP will recommend.
13 There are lots of others. And so I don't want -- I don't know --
14 I guess what I'm saying is I don't know -- I'm going to let BOP
15 make that determination. I certainly don't have any problem with,
16 it, but I'm -- I don't want to make that -- go on the record
17 making that determination because a medical facility may not be
18 what's appropriate here. I don't know. I'm going to let them
19 make that determination.

20 So, unfortunately, I'm not going to make that
21 recommendation but I don't have any objection.

22 Okay. All right. And he's remanded to the U.S. Marshal to
23 begin the term of imprisonment at the Bureau of Prisons at this
24 time.

25 Thank you.

1 MS. CASSIDY: Thank you, Your Honor.

2 MR. CALDWELL: Thank you, Your Honor.

3 THE COURT: Thank you.

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CERTIFICATE

10 I, Debbie Lowery, Certified Court Reporter, do certify that
11 the foregoing is, to the best of my ability and understanding, a
12 true and correct transcript from the proceedings of this matter.

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/s/Debbie Lowery

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7/14/2020

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